

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 P.M., a minor, by and through  
5 Her parent, Terpsehore Maras,

Case No. 1:21-cv-1711

6 Plaintiff,

September 9, 2021  
11:16 a.m.

7 vs.

8 MAYFIELD CITY SCHOOL DISTRICT  
9 BOARD OF EDUCATION, ET AL.,

10 Defendants.

11 TRANSCRIPT OF TEMPORARY RESTRAINING ORDER PROCEEDINGS  
12 BEFORE THE HONORABLE SOLOMON OLIVER, JR.  
13 UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 For the Plaintiff: Ms. Terpsehore Maras, Pro Se

16  
17 For the Defendants: Thomas Feher, Esq.  
18 Stephanie Chmiel, Esq.

19  
20 Official Court Reporter: Susan Trischan, RMR, CRR, FCRR, CRC  
21 7-189 U.S. Court House  
22 801 West Superior Avenue  
23 Cleveland, Ohio 44113  
24 (216) 357-7087

25 Proceedings recorded by mechanical stenography.  
Transcript produced by computer-aided transcription.

THURSDAY, SEPTEMBER 9, 2021, 11:16 A.M.

THE COURT: This is Judge Oliver.

How is everybody?

MR. FEHER: Good morning, Your Honor.

Tom Feher.

Very good, thank you.

THE COURT: Thank you.

Just one moment.

(Pause) .

MS. MARAS: Your Honor, good morning.

THE COURT: Good morning.

MS. MARAS: Good morning, Your Honor.

I was just made aware that there was  
filings, and I don't have access to the electronic filing  
system because the Court requires me to file for an  
application.

So before we start I just would like to ask  
for two things.

One, if you can speak clearly and pause  
between talks because I'm using an amplifying device that  
delays the speech because I'm hard of hearing. So I  
don't want to sound rude and come up speaking over  
someone and, therefore, I apologize in advance if I speak  
loud.

And then the other one is I believe since

1 the Court requires me as a citizen to have access to my  
2 Court as a pro se litigant only on paper and I'm unable  
3 to use the electronic filing system to access, I would  
4 therefore respectfully request, Your Honor, if you could  
5 afford me the same rights that defendants' counsel has to  
6 file and access documents in this case with the same  
7 timely privilege which will aid me in providing the  
8 evidence and documents that I will be citing during the  
9 hearing because apparently another attorney made their  
10 appearance and they filed something, and I have no access  
11 to that.

12 And no one e-mailed it to me, and my  
13 information is on the documents that I filed.

14 THE COURT: All right. I will get back to  
15 you, but let me -- let me start first, and I'll address  
16 everything that you wish -- you wish me to address.

17 MS. MARAS: Thank you, Your Honor.

18 THE COURT: Let me just -- yeah.

19 This is on the record, and this is the case  
20 of Terpsehore -- how do you pronounce your first name?

21 MS. MARAS: Terpsehore.

22 THE COURT: Terpsehore Maras versus  
23 Mayfield City School District Board of Education, and the  
24 case number is 1:21-cv-1711.

25 And this case involves all the defendants

1 of -- other defendants other than the Mayfield City  
2 School District Board of Education, and there are a  
3 number of them so I won't go through all those.

4 This complaint was filed pro se on  
5 September 2nd, 2021.

6 At that time Ms. Maras called the office  
7 and she wanted to know why the Court wasn't proceeding on  
8 that right away.

9 I indicated that there were requirements  
10 under the Rule that she indicate what attempts she made  
11 to contact the other side, and that I'd prefer to have  
12 someone on the other side, if we could get them in a  
13 reasonable time frame. And I indicated that that could  
14 be the superintendent or other people in the school  
15 system or it could be counsel, but it was my practice to  
16 try to get people on the line.

17 And she had not really made any case that I  
18 should proceed ex parte as, you know, but there are  
19 circumstances where, with TROs, the Court would proceed  
20 without hearing from the other side, but I don't think  
21 those circumstances existed in this particular case.

22 So that's where we started. And she  
23 assured me that she would work to try to get papers out  
24 to the school system, and because I assured her that the  
25 fact that she had sat in a meeting before the School

1 Board and she indicated that she was going to sue wasn't  
2 sufficient in terms of the notice that would be required  
3 here under Rule 65 if -- once she had sued.

4 So once she understood that, she moved  
11:20:53 5 ahead to make sure, as I understand it, that those papers  
6 were delivered by someone to the superintendent or  
7 assistant superintendent or others at the School Board.

8 And thereafter, the counsel for the school  
9 district made their -- their appearance, and they -- they  
11:21:18 10 have now filed this morning a memorandum in opposition to  
11 plaintiff's motion for temporary restraining order and  
12 cross-motion to dismiss for lack of standing, and they  
13 have also attached to that an Exhibit A which is the  
14 affidavit of the superintendent Dr. Michael J. Barnes.

11:21:43 15 So all of that information, including  
16 plaintiff's now initial submission to the Court, the  
17 complaint and other materials, is before the Court.

18 It is true that with a temporary  
19 restraining order, that it's anticipated under the Rules  
11:22:03 20 and case law that those cases be given quick attention  
21 and turnaround because of the nature of the matters which  
22 are asserted or allegedly asserted.

23 And so I'm doing that on the quickest time  
24 that I could, assuring that I had the issues properly  
11:22:28 25 explained before me.

1 And so that's where we are.

2 So --

3 MS. MARAS: Your Honor, may I object,  
4 please? May I object, Your Honor? Because the Court  
11:22:38 5 should not consider that document because I haven't even  
6 seen it yet, and I didn't even know.

7 THE COURT: Would you please stop talking  
8 and let me finish? I'm going to give you an opportunity  
9 to speak.

11:22:47 10 Now, I've spoken to you on the telephone a  
11 number of times and I've tried to be patient and to tell  
12 you the procedure. I'll allow you to do whatever you  
13 want, but I'm not done saying how we're going to proceed.

14 You've got to have some patience. You'll  
11:23:02 15 have an opportunity to speak.

16 Those matters are before me. They are on  
17 the docket. They are there, and that's what I'm saying,  
18 factually they are there.

19 Now, we can move from there.

11:23:13 20 Let me have the parties introduce  
21 themselves, and then we'll move through the process.

22 So you're representing yourself  
23 or -- and/or your minor child, at least that's what you  
24 intend to do here.

11:23:25 25 Is that right?

1 MS. MARAS: Yes, Your Honor.

2 THE COURT: Okay. Just state your name for  
3 the record.

4 MS. MARAS: My name is Terpsehore Maras.

11:23:35 5 THE COURT: All right. And then let me  
6 have counsel for the defendants introduce themselves for  
7 the record.

8 MR. FEHER: Your Honor, this is Tom Feher,  
9 and I'm on with my partner Stephanie Chmiel from Thompson  
11:23:50 10 Hine on behalf of all the defendants.

11 THE COURT: All right. Thank you.

12 You weren't able -- you didn't have time or  
13 you weren't able to Xerox a copy -- not Xerox, but fax a  
14 copy of your memo to the plaintiffs?

11:24:02 15 MR. FEHER: Your Honor, we did not have any  
16 contact information for the plaintiff.

17 The pleadings that she filed did not  
18 include an e-mail, and had a phone number that was  
19 stricken out, so we filed it on the system this morning.

11:24:15 20 We are happy to, if we have the e-mail for  
21 her, send them over immediately.

22 THE COURT: Okay.

23 MS. MARAS: Your Honor, may I?

24 My information and contact information were  
11:24:30 25 on the cover sheet that was filed, the civil cover sheet

1 that was filed. It had my address, my mailing address,  
2 my phone number and e-mail.

3 THE COURT: Okay. I don't see that on the  
4 docket sheet, but why don't you give them -- do you have  
5 a fax number or --

6 MS. MARAS: I do not have a fax number.

7 My e-mail is on the documentation that they  
8 were provided. The school also has all my communication  
9 and all my information as provided as well.

10 I don't believe any attempt was made to  
11 provide to me those documents, Your Honor. And I  
12 actually penned in my phone number and wrote it in there  
13 that the Court had requested me when I filed my  
14 documents.

15 THE COURT: All right. Well, let's just  
16 move from where we are now to see whether we  
17 can't -- what is your phone number, first of all?

18 MS. MARAS: My telephone number is  
19 [REDACTED], and I would request the Court not to  
20 consider the documents that they filed under Rule 5  
21 because it requires the service of all Court filings.

22 THE COURT: Would you please stop? Just  
23 keep your mouth closed for a minute. I'm going to allow  
24 you to talk and I'm going to allow both sides.

25 I'm going to be fair to you, but you have



1 to learn that you can't just blurt out. I'm going to  
2 give you an opportunity to speak.

3 What did you say your number is?

4 [REDACTED], is that what you said, [REDACTED]?

11:26:02 5 MS. MARAS: Yes, Your Honor.

6 THE COURT: [REDACTED].

7 MS. MARAS: Yes, Your Honor.

8 THE COURT: Okay. And put on the record  
9 your e-mail.

11:26:10 10 I understand you say you gave it or you put  
11 it on another document, but just let's have it now again.

12 MS. MARAS: The e-mail on the docket that I  
13 put is MayfieldParentsUnion@Gmail.Com.

14 THE COURT: That's your e-mail?

11:26:29 15 MS. MARAS: Yes. This is the e-mail that  
16 I'm using for correspondence in respect to this case.

17 THE COURT: Well --

18 MS. MARAS: I'm not comfortable with a  
19 public record.

11:26:42 20 THE COURT: That doesn't go to you?

21 MS. MARAS: It goes to me, yes. That is my  
22 e-mail account.

23 THE COURT: MayfieldParentsUnion, go ahead,  
24 keep going.

11:26:54 25 MS. MARAS: @Gmail.com.

1 THE COURT: MayfieldParentsUnion@Gmail.Com.  
2 Is there a Mayfield parents union, or is  
3 that yours?

4 MS. MARAS: It's mine. It's my personal  
11:27:11 5 e-mail account.

6 THE COURT: But you -- but you've taken  
7 liberties there because you're saying it's a parents  
8 union.

9 Is there such a thing?

11:27:20 10 MS. MARAS: Oh, no. No. It's just a  
11 parody on it because it's for my Court filings.

12 This is the e-mail address that I'm  
13 comfortable making public on public records because these  
14 are all public records for correspondence regarding this  
11:27:36 15 case.

16 THE COURT: Okay. I'm not sure whether  
17 someone for the next conference joined now.

18 I had one set up and I'd ask my courtroom  
19 deputy to try to reach the people who are on the 11:30  
11:27:55 20 because I've been running behind this morning.

21 If you're not on this criminal -- not  
22 criminal case.

23 If you're not on this case I have in front  
24 of me, Maras versus Mayfield City School District, I'd  
11:28:10 25 ask that you leave right now and we'll work it out and

1 have my courtroom deputy give you a call.

2 Somebody joined the conference just now.

3 Who joined? Someone just joined the conference. Who  
4 joined?

11:28:32 5 (Pause).

6 THE COURT: All right. So that's -- that's  
7 your e-mail, you say, MayfieldParentsUnion@Gmail.Com.

8 MS. MARAS: Yes, Your Honor.

9 THE COURT: And if counsel were to e-mail  
11:28:50 10 you right now with a copy of the document, you could  
11 receive it.

12 MS. MARAS: Your Honor, I will be able to  
13 receive it in a timely fashion -- I'll have to log in --  
14 but I won't be able to have the time to review it while  
11:29:04 15 we're on the call.

16 THE COURT: I didn't ask you that.

17 If you would answer the question I --

18 MS. MARAS: Yes, I can access the e-mail,  
19 yes, Your Honor.

11:29:12 20 THE COURT: That if they, if they put  
21 together a PDF or whatever that contains the documents,  
22 you can receive those right now, right where you are.

23 MS. MARAS: I believe so, if it's sent to  
24 the correct address, yes.

11:29:30 25 MR. FEHER: Your Honor, I've just e-mailed

1 the documents to the address we were given.

2 THE COURT: Okay. I'm not saying you have  
3 to read those documents now, but I want you to verify  
4 that you received those right now.

11:29:47 5 MS. MARAS: One moment.

6 Your Honor, one moment while I log in.

7 THE COURT: Okay.

8 (Pause) .

9 MS. MARAS: Your Honor, this is Ms. Maras.

11:31:03 10 I've received an e-mail and there are two  
11 documents that are downloading, but I demand to have time  
12 to review them.

13 THE COURT: How much do you want? Middle  
14 of next week?

11:31:27 15 MS. MARAS: Yes.

16 THE COURT: Now, you filed a motion for  
17 temporary restraining order.

18 Do you understand that?

19 MS. MARAS: I do understand that, sir, but  
11:31:36 20 I feel like I'm being ambushed, Your Honor, because I  
21 didn't have access to these documents. They're claiming  
22 my information wasn't on there, and they have my  
23 communications.

24 I feel like this is done purposely because  
11:31:46 25 they know that as a pro se litigant I don't have access

1 to the electronic filing system.

2 The Court that is supposed to be for the  
3 people don't allow access to it, to have access to these  
4 things. It's really not just.

11:31:59 5 THE COURT: Well, I'm giving you access  
6 now.

7 Let me say this. When we do a TRO, we can  
8 use informal means to get information out. That's what I  
9 was asking you to --

11:32:12 10 MS. MARAS: Okay.

11 THE COURT: That's what I was asking you to  
12 do when I told you to get some information to the school  
13 district.

14 Because everything is done on an expedited  
11:32:21 15 basis, it means that I can hear from the parties even if  
16 I don't have any submissions from them at all, and I can  
17 hear from them even if they have not been formally served  
18 as long as they have notice and I can get them on the  
19 phone, because we're trying to make sure that people's  
11:32:38 20 interests are represented.

21 So this, this stage here, the motion for  
22 temporary restraining order, is one where information can  
23 be formal, informal, it can be by paper, it can be  
24 through speaking, it can be whatever because the process  
11:32:57 25 is geared toward moving fast.

1           It's not unusual for a party, if they have  
2 a chance, to file something in response. It is true that  
3 you are not a lawyer and you're not on the ECF and there  
4 are certain problems -- Electronic Filing System -- that  
5 there are certain problems that are encountered, that we  
6 encounter when that's the case.

7           You didn't get counsel, you weren't  
8 apparently able to get counsel, and so I respect the fact  
9 that you're attempting to proceed on your own.

10           They have raised some very serious issues  
11 here regarding your motion -- you didn't call it a  
12 motion -- but your motion for temporary restraining  
13 order.

14           And so you probably do want to look at that  
15 and decide if you can respond or how you can respond  
16 because they have put -- their main argument is that you  
17 can't even bring this case and that you don't have  
18 standing to do it; that you have no -- then they go on to  
19 put on the record things that counter all the arguments  
20 you've made.

21           So you probably do want -- you do probably  
22 want to read this and then go from there.

23           MS. MARAS: Your Honor.

24           THE COURT: Oh, and I -- don't, don't  
25 interrupt me.

1 MS. MARAS: I was just going to say if you  
2 can speak a little bit louder because I can't hear you.  
3 I'm sorry.

4 THE COURT: Okay. I'm all right with that  
11:34:33 5 request then. I apologize. I didn't mean to be so  
6 sharp, but I just didn't want you continuing to interrupt  
7 me.

8 Are you prepared, will you be prepared at  
9 3:00 o'clock today to -- or 3:30 today to, after you've  
11:35:00 10 read the matter, to go forward?

11 MS. MARAS: Yes, Your Honor.

12 I feel confident that any argument that  
13 they may have brought forward is -- I do feel confident  
14 in not only the factual evidence but the violations of  
11:35:16 15 the Constitution because the bottom line, there's  
16 irreparable harm when we have our civil liberties  
17 violated.

18 And our Ohio State Constitution, there are  
19 two Articles in it I will be citing that will, in  
11:35:30 20 essence, render moot any argument that they have  
21 presented.

22 THE COURT: Well, why don't you wait for  
23 that?

24 Okay. So read the papers.

11:35:41 25 Mr. Feher.

1 MR. FEHER: Yes, sir.

2 THE COURT: Ms. Chmiel, can you be  
3 available at 3:30?

4 MR. FEHER: Yes, Your Honor.

11:35:48 5 THE COURT: I think it's better we go ahead  
6 and hear the matter today, if we can, and so we'll give  
7 her an opportunity, which I think is fair, to read your  
8 papers.

9 I'm not going -- I don't anticipate it will  
11:36:02 10 take us really very long to hear the parties out since  
11 Ms. Maras has filed her papers and you filed your papers.  
12 I have really a lot of information in front of me.

13 And so it's just an opportunity this  
14 afternoon maybe taking up to one-half hour together for  
11:36:23 15 the parties to highlight their positions and so forth so  
16 that I can be in position to make a ruling.

17 Ms. Maras, does that sound right to you?

18 MS. MARAS: Yes, Your Honor.

19 Is it possible that I will be able to file  
11:36:39 20 a response?

21 It may be not posed in a manner because I  
22 don't have a massive law firm to put it together, but I  
23 would like to file a response and a motion to strike and  
24 dismiss anything that they have. If I can have that  
11:36:53 25 Court access to the Pacer account that I just set up, I



1 would be able to file that, too.

2 I'm more than happy, so that way I can  
3 submit the evidence that I wanted to cite today.

4 THE COURT: Well, why don't you just be  
11:37:04 5 prepared to make your arguments and tell us about  
6 whatever it is that you want to say?

7 MS. MARAS: The evidence I have?

8 THE COURT: No, I -- you know, I don't know  
9 how you -- I don't know how you're going to -- we keep  
11:37:20 10 going back and forth.

11 You've got your material on the record.

12 MS. MARAS: I have more material.

13 THE COURT: You want me to put this off and  
14 not make this a temporary restraining order? That's what  
11:37:29 15 you're asking.

16 MS. MARAS: Well, Your Honor, Your Honor,  
17 I'd like the temporary restraining order, but I'd like to  
18 file a motion to dismiss their motion to dismiss.

19 I want the TRO. That's what we need to  
11:37:38 20 decide.

21 But I do have further evidence that I  
22 wanted to introduce during this call, and if you'd like  
23 me to I can send that electronically, too. That way we  
24 can be referencing the CDC documentation, the OSHA  
11:37:54 25 documentation and other organizations' documentation that

1 will render their statements made -- which I can only  
2 assume because I haven't read it yet -- render them moot  
3 under Ohio State laws and Constitution.

4 THE COURT: Okay. Now, you're using some  
11:38:09 5 language that's not appropriate legal language, but I  
6 think I know what you mean, that you want to file a  
7 motion to dismiss their motion to dismiss.

8 There's no such thing in the law.

9 MS. MARAS: Yes. Sorry.

11:38:22 10 THE COURT: What did you say?

11 MS. MARAS: I'm so sorry. I'm just trying  
12 to be proper.

13 THE COURT: Yeah, I understand.

14 But we're not going to take a very long  
11:38:29 15 time this afternoon because I've got the papers.

16 If you want this to be a temporary  
17 restraining order, we have to keep it that way. We can't  
18 just keep going back and forth, back and forth, back and  
19 forth.

11:38:41 20 Do you think you can -- how quickly can you  
21 file whatever you want to file and get a copy over to --

22 MS. MARAS: Well, if I have access to be  
23 able to communicate to yourself, Your Honor, and the  
24 parties, I would be able to send that out from -- by 3:00  
11:38:55 25 o'clock.

1                   It won't take -- it won't take very long  
2                   for me to respond to, I guess.

3                   It depends -- I mean, they have a whole law  
4                   firm and I'm one mere citizen -- so that I can respond to  
11:39:07 5                   each and every claim that they are making.

6                   THE COURT: Okay. Well, you can do that  
7                   verbally.

8                   MS. MARAS: Okay.

9                   THE COURT: Because I'm not going to take a  
11:39:16 10                   long time this afternoon, I'm just going to tell you,  
11                   because you both filed papers.

12                   You want a temporary restraining order.  
13                   That means that we move quickly. It means that we're not  
14                   going to go through it like it's a full case.

11:39:28 15                   MS. MARAS: Yes, sir.

16                   THE COURT: You either want that or you  
17                   don't.

18                   And so -- and you're going to have to calm  
19                   down. And if you can get -- if you can -- I'm not giving  
11:39:42 20                   you -- I'm not getting involved in Pacer.

21                   MS. MARAS: Your Honor, I actually  
22                   feel -- I feel confident that we can go forward right now  
23                   without even looking at it, and they can feel free to go  
24                   ahead because, if it's okay with the Court, I can submit  
11:39:56 25                   the evidence to, you know, counsel, whatever arguments

1 they have put forward to dismiss my motion for TRO, I  
2 feel confident in that because that will not change.

3 THE COURT: Well, we're going forward at  
4 3:30.

11:40:14 5 MS. MARAS: Thank you. Thank you.

6 THE COURT: And if you want to file  
7 something, you file whatever you want.

8 Make sure the other side gets it.

9 MS. MARAS: Through their e-mail, I'm  
11:40:24 10 assuming, Your Honor? Through their e-mail that I will  
11 send it to them.

12 And will I send it to yourself as well so  
13 that you can be able to view it?

14 THE COURT: You can send it, you can send  
11:40:34 15 it to my courtroom deputy.

16 MS. MARAS: Is that the e-mail that sent me  
17 the phone log-in details, Your Honor?

18 THE COURT: Yes.

19 MR. FEHER: I believe that's correct.

11:40:47 20 THE COURT: All right. Then do that.

21 MS. MARAS: Okay. Sharon Romito, correct,  
22 Your Honor?

23 THE COURT: Right. Right.

24 MS. MARAS: All right.

11:40:58 25 THE COURT: You don't have to get it on the

1 docket, but just send her a copy, send a copy to them.

2 We're going forward at 3:30.

3 MR. FEHER: Thank you, Your Honor.

4 MS. MARAS: Yes, Your Honor.

11:41:11 5 THE COURT: All right. I'll hear from you

6 all.

7 (Proceedings recessed at 11:41 a.m.)

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1                   THURSDAY, SEPTEMBER 9, 2021, 3:37 P.M.

2                   THE COURT: There was one person that  
3 joined the conference that didn't identify herself.

4                   Who is that?

15:37:44 5                   Someone joined the conference that didn't  
6 identify themselves, they are a person that joined the  
7 conference. All the other persons had names.

8                   MR. FEHER: Your Honor, I -- this is Tom  
9 Feher. I don't know if you heard my name, but I did say  
15:37:58 10 it.

11                   THE COURT: I did.

12                   MR. FEHER: Okay.

13                   MS. MARAS: I didn't. I didn't hear your  
14 name, Tom.

15:38:04 15                   That's what I thought he was referring to,  
16 Tom. I heard Stephanie and my child's name and the court  
17 reporter. I didn't hear Tom either.

18                   THE COURT: Yeah, I heard -- I heard him.

19                   It's okay. But this is not, you know,  
15:38:24 20 there's nothing secret about this, but this is a  
21 conference that was between the lawyers and the parties  
22 in the case.

23                   There was not anybody else that was  
24 authorized to be on the line, so I want you to bear -- I  
15:38:38 25 want anybody who is on the line to bear that in mind

1 because if you're on the call and you're not invited,  
2 I'll have to consider that.

3 So in any event, let's proceed.

4 THE OPERATOR: A participant has left the  
15:39:02 5 conference.

6 MS. MARAS: I'm sorry. Who left? I'm  
7 still here.

8 MR. FEHER: Tom is still here.

9 THE COURT: Okay.

10 MS. CHMIEL: Stephanie is still here.  
15:39:08

11 THE COURT: Okay. So somebody left, right?  
12 I thought somebody was here and didn't respond, so I just  
13 wanted to make sure.

14 We don't have anything to hide here. This  
15:39:27 15 case is a matter of public record. Whatever I decide  
16 will be a matter of public record.

17 This is being taken down by the court  
18 reporter and so forth, and if someone wanted to buy the  
19 transcript, they can buy that. So that's not the issue.

15:39:47 20 But we don't need secret people lurking on  
21 the telephone when we're trying to have a conversation.  
22 That's the only reason I asked the question.

23 All right. Again we're back to the case of  
24 P.M., plaintiff, and plaintiff Ms. Terpsehore Maras. I  
15:40:14 25 may mispronounce that, but it's T-E-R-P-S-E-H-O-R-E, and

1 last name Maras, M-A-R-A-S, versus the Mayfield City  
2 School District Board of Education.

3 We had started this conference on the  
4 motion for TRO this morning.

15:40:34 5 I adjourned the conference so that  
6 Ms. Maras would have the opportunity to read the  
7 memorandum in opposition filed by the defendant, also  
8 which included a cross-motion to dismiss for lack of  
9 standing. And I indicated to her that they have attached  
15:40:56 10 an affidavit to that.

11 It seemed only fair that she should have an  
12 opportunity to review what the lawyers had filed on  
13 behalf of the defendant before we proceeded, and so I  
14 agreed to her request that I not consider that material  
15:41:17 15 until she had a chance to respond -- not respond, but to  
16 view it.

17 Ms. Maras also indicated the fact that she  
18 might desire to file something further in the case.

19 I authorized her to do so if she wanted,  
15:41:38 20 and that she could direct it by e-mail to counsel for  
21 defendants because she was not able to file  
22 electronically, and that she could also, for any  
23 additional things she would want to file, by sending an  
24 e-mail copy to my courtroom deputy.

15:41:59 25 I inquired of my courtroom deputy before we



1 came back out this afternoon as to whether she had  
2 received anything further from Ms. Maras, and she  
3 indicated that she had not.

4 So I would assume that there are no  
15:42:15 5 additional documents before the Court to consider along  
6 with the arguments of counsel and the parties this  
7 afternoon.

8 Is that correct, Ms. Maras?

9 MS. MARAS: Your Honor, that's incorrect.

15:42:28 10 Actually I sent off -- I'm one person and  
11 not a lawyer. I don't have the money to hire a lawyer.  
12 And I sent it off trying to make it easily readable, so  
13 you can read it as easily as possible.

14 It's in your inbox. I've already received  
15:42:45 15 a reader receipt that it was delivered, because I also  
16 sent it to myself in my other e-mail, and that was  
17 received as well.

18 THE COURT: Okay. What time did you send  
19 that?

15:42:55 20 MS. MARAS: I will tell you. I think it  
21 was at 3:28.

22 THE COURT: Okay.

23 MS. MARAS: It was before you joined the  
24 call.

15:43:02 25 THE COURT: Yeah, well, perhaps that was

1 incorrect.

2 MS. MARAS: Okay.

3 THE COURT: That was this very moment, you  
4 know.

15:43:14 5 So you sent a copy of that to opposing  
6 counsel?

7 MS. MARAS: Yes, Your Honor.

8 MR. FEHER: Your Honor, we have -- I have  
9 on my screen two e-mails from MayfieldParentsUnion, one  
15:43:29 10 at 3:34 and one at 3:41.

11 THE COURT: Okay. Let me ask my law clerk  
12 to see if the courtroom deputy has whatever she has  
13 filed.

14 We can proceed though. Let me just see if  
15:43:47 15 she has that.

16 (Pause).

17 THE COURT: Okay. I just inquired of my  
18 courtroom deputy who indicates that she did receive an  
19 e-mail just now, and what she received was something  
15:45:30 20 entitled, "Mercola, M-E-R-C-O-L-A, Take Control of Your  
21 Health," and then it was an article, I guess, entitled,  
22 "Masks Are a Ticking Time Bomb."

23 Is that what you sent?

24 MS. MARAS: Your Honor, there's two  
15:45:49 25 e-mails.

1 That was an attachment that didn't attach  
2 to the original e-mail, and it was sent subsequently.

3 There was another e-mail that was sent, and  
4 I believe the title was "Maras versus MCSD, Case Number  
15:46:05 5 1:21-1711," where there's two attachments, the reply  
6 brief and Exhibit 2.

7 THE COURT: Okay. You said you sent  
8 something to me at 3:28.

9 Opposing counsel said what they received  
15:46:19 10 was a bit later than that, and they have two things they  
11 received.

12 Would that be correct, Ms. Maras?

13 MS. MARAS: Yes, Your Honor. Correct.

14 They go through different servers, so I can  
15:46:33 15 send it now and your server might get it a minute or two  
16 later.

17 So your court reporter -- your Court should  
18 have two e-mails. There's an e-mail that was sent right  
19 before the Mercola. The Mercola was sent after the  
15:46:47 20 original e-mail.

21 THE COURT: Okay. I'll just --

22 MS. MARAS: Yes.

23 THE COURT: I'll just look to get that.

24 We can go ahead and proceed.

15:46:53 25 MS. MARAS: You're not going to see it?

1 Okay.

2 THE COURT: Okay. So you -- I'll -- okay.

3 So you filed a motion -- I don't know if you would title

4 it a motion -- but in essence a motion for temporary

15:47:07 5 restraining order, and it has to do with a requirement

6 that students wear masks in the Mayfield City School

7 District.

8 And you listed your child as the plaintiff

9 and you also listed yourself. And you purported to sue

15:47:32 10 on behalf of your child because your child's a minor. So

11 that's -- that's the background of it.

12 And so I've reviewed your papers, I've

13 reviewed those of the defendant.

14 What I thought I would do is give each side

15:47:48 15 about five minutes or so to highlight the most important

16 points of your argument.

17 MS. MARAS: I --

18 THE COURT: And -- let me finish.

19 You're going first.

15:48:07 20 MS. MARAS: Sorry, there was a delay, I

21 apologize.

22 It's my device. Sorry.

23 THE COURT: Okay. You're going to go first

24 because it's your motion, and I'm going to be asking some

15:48:17 25 questions, too.

1                   So but you sued for a temporary restraining  
2 order, and, as you know, there are certain requirements  
3 you have to meet to get that relief because it's only  
4 temporary. And it's because -- and the reason why we  
15:48:34 5 grant temporary relief is because if one were to wait  
6 until the overall lawsuit to be final, then the person  
7 who is denied the relief, if they had irreparable harm,  
8 that would be a tough circumstance.

9                   And so the idea is to give people a chance  
15:48:56 10 to come forward, not on a full record, but on less than a  
11 full record to convince the Court that the Court should  
12 step in early, even before deciding the case on the  
13 merits, and to rule in their favor and to hold that  
14 ruling and let them hold that -- let that ruling apply  
15:49:20 15 until the Court can decide the whole case.

16                   And clearly we're not prepared to decide  
17 the whole case because there's nothing -- the pleadings  
18 are not complete. No discovery has been done, and no  
19 motions have been filed other than regarding at this  
15:49:36 20 preliminary stage.

21                   So we've got to meet that high burden,  
22 plaintiff has to meet a very high burden in order to get  
23 me to rule right now on this record.

24                   With that in mind, Ms. Maras, can you just  
15:49:52 25 highlight -- I now have got your papers -- the

1 constitutional provisions or theories that you're relying  
2 upon? And then we'll get to facts.

3 Which claims are you bringing? On  
4 what -- what aspect of the Constitution?

15:50:10 5 MS. MARAS: Your Honor, I just wanted to  
6 say the document that I sent you has a few motions in  
7 there as my reply brief.

8 The first motion is to request for the  
9 temporary restraining order and the motion to dismiss,  
15:50:23 10 that there's two separate motions that the Court should  
11 bifurcate because the pending motion for the temporary is  
12 the only motion properly before the Court.

13 I'm entitled to have time under Rule 7.1 to  
14 actually respond to the motion to dismiss. Usually the  
15:50:41 15 opposing party has 30 days, right? But obviously the  
16 local rule, if the Court was to find that it was not  
17 dispositive, then I should still have 14 days to --

18 THE COURT REPORTER: I'm sorry, could you  
19 repeat that?

15:51:03 20 MR. FEHER: Dispositive.

21 MS. MARAS: I'm sorry, I'm hard of hearing  
22 so sometimes I articulate things not to the standard, so  
23 I apologize for that.

24 So normally I would be allowed by law at  
15:51:14 25 least 14 days to respond, so that was my first motion in

1 the document that I sent that you don't have in front of  
2 you, Your Honor.

3 And then the second motion is that I  
4 requested a ruling on the oral motion for permission to  
15:51:27 5 access the Court's electronic filing system, Pacer, so  
6 that I could be -- I could have the same, you know,  
7 access and privileges that the attorneys have, which I  
8 haven't been afforded.

9 So I wanted to address those two before I  
15:51:43 10 get into the TRO status of the case, of course.

11 THE COURT: All right. I want you to  
12 address what I want you to address, and that's what you  
13 have to understand.

14 I'm not going to be sitting here all  
15:51:55 15 afternoon going off on side tangents.

16 You filed a motion for a temporary  
17 restraining order. Therefore, you've asked me to put  
18 down all the work that I have in other cases and give  
19 attention to yours.

15:52:10 20 MS. MARAS: Thank you.

21 THE COURT: I'm willing to give the case  
22 the attention it deserves, but I can't keep having you  
23 putting off what I'm trying to resolve.

24 I want to talk about the temporary  
15:52:22 25 restraining order.

1 I understand, I don't have any problem with  
2 you're saying that you'd like time to respond to the  
3 motion to dismiss or any of those other kinds of things  
4 because you don't want your case dismissed right now.

15:52:35 5 I'll address those before I conclude, and I  
6 don't have a problem with you raising those issues. I  
7 just wish you would address things, though, in the order  
8 which I'm trying to proceed.

9 And then if there are additional things you  
15:52:51 10 want to raise, you may do that.

11 That's all I'm trying to do.

12 So if you would just stick to the motion  
13 for temporary restraining order and assume that, you  
14 know, if you're concerned about me dismissing your case  
15:53:09 15 today without your having a chance to respond, which I  
16 thought you were doing, that's -- that's fine. And I  
17 understand that concern.

18 Right now put that aside. Just for the  
19 sake of argument, assume I'm not going to dismiss your  
15:53:23 20 case today on the merits, but that I'm going to rule on  
21 your motion for temporary restraining order.

22 So just limit yourself to that.

23 MS. MARAS: Yes. Thank you, Your Honor.

24 And I apologize. I don't do this for a  
15:53:39 25 living so I don't know the rules, so I really apologize



1 for that, and thank you for that clarification.

2 So your question to me is why should I have  
3 a TRO? Well, it's that I have established that it's  
4 likely to succeed which I'm pretty positive on because I  
15:53:57 5 have attached evidence for that, and that I would suffer  
6 irreparable harm.

7 Now, irreparable harm --

8 THE COURT: Just stop for a moment.

9 You're going to get to those, but you're  
15:54:07 10 going to answer the question that I --

11 MS. MARAS: The constitutional, that's what  
12 I'm getting at. The irreparable harm is the  
13 constitutional rights right here --

14 THE COURT: Okay.

15:54:17 15 MS. MARAS: -- because I believe the TRO is  
16 justified under the U.S. and Ohio Constitution.

17 All laws which are repugnant to the  
18 Constitution are null and void, and that's established in  
19 the case *Marbury*. All laws which are repugnant to the  
15:54:44 20 Constitution are null and void.

21 So on that basis, on that basis, the Ohio  
22 Constitution, Article I, Section 21, is where the  
23 Mayfield City School District has compelled both  
24 plaintiffs to participate in a health care system  
15:55:04 25 involuntarily.

1 Article 1, Section 21, Section -- Part A  
2 says, "No federal, state or local law or rule shall  
3 compel, directly or indirectly, any person, employer or  
4 health care provider to participate in a health care  
15:55:22 5 system."

6 Under that same Article I, Section 21, it  
7 defines "Health care system" in very precise manner. And  
8 specifically here, we're focusing on the fact that a  
9 health care system means that they are providing -- that  
15:55:39 10 they are obtaining health care data or health care  
11 information from the participant.

12 The defendants, in essence, are collecting  
13 and sharing health care data of the plaintiffs in respect  
14 to mask wearing, contact tracing, and vaccination status  
15:55:55 15 without permission, and compelling all students to  
16 participate by compulsion, which is a direct violation of  
17 the State of Ohio Constitution.

18 And that is something --

19 THE COURT: Let me ask -- wait.

15:56:09 20 Let me ask you a question, because unless  
21 you have a federal constitutional violation, as I  
22 understand it, you can't even raise an Ohio one.

23 MS. MARAS: Correct. Correct.

24 THE COURT: So tell me your federal --

15:56:21 25 MS. MARAS: My federal one. The

1 harm -- yes.

2 The harm to the plaintiff is irreparable  
3 because the actual or threatened violation is that of a  
4 core constitutional right, and it's presumed irreparable.

15:56:32 5 And that's seen by the Federal Courts from  
6 *Siegel versus LePore*, and *Deerfield Beach*; it was  
7 *Deerfield Medical Center versus City of Deerfield Beach*.

8 The purpose of the whole temporary  
9 restraining order is to, indeed, safeguard that, and  
15:56:49 10 that's where we are going to, where they are violating  
11 her civil liberty to just have a healthy and safe  
12 environment, which she's entitled to.

13 We also --

14 THE COURT: Let me --

15:57:02 15 MS. MARAS: Go ahead. Sorry.

16 THE COURT: Let me stop you again.

17 So you claim that there's a violation of  
18 both the Federal Constitution and the State Constitution,  
19 and you might, you know, you might have a supplemental  
15:57:17 20 claim under Ohio law if you had a federal claim. But if  
21 you had no federal claim, because Mayfield, which is  
22 Ohio, and you are from Ohio, I don't think you'd have a  
23 state claim.

24 So let's go -- and I guess the other  
15:57:33 25 counsel can say whether they agree with me or not later

1 on, but what -- you know, the Constitution has, as you  
2 know, several provisions and they're very scurried under  
3 those provisions in the Constitution and the case law  
4 relative to those provisions.

15:57:55 5 What -- what is your federal -- what are  
6 your federal constitutional claims? What portions of the  
7 Constitution or what federal statutes are you relying  
8 upon to make your argument?

9 I know you say it's irreparable and it's  
15:58:12 10 harmful, but I need to know that first.

11 What constitutional provisions are you  
12 relying upon?

13 Ms. Maras?

14 MS. MARAS: Oh, I'm so sorry. That was my  
15:58:32 15 device. Your Honor, I apologize. As I said, I'm hard of  
16 hearing and my device is echoing.

17 So deprivation of liberty without due  
18 process, the Fourteenth Amendment.

19 THE COURT: Okay. What process do you  
15:58:50 20 think she was due?

21 MS. MARAS: That they actually rely on the  
22 actual science of this, because I have -- they are  
23 forcing my child, first of all, they're compelling her to  
24 participate in decreasing and causing her physical and  
15:59:12 25 psychological harm on merits that have not been

1 discussed.

2           There have been no discussions with me as  
3 the parent or the child, and that is a problem, because I  
4 feel that it's almost involuntary services, in essence,  
15:59:23 5 where you're supposed to just do as they say and do not  
6 question it, when we all know that science is in flux.

7           They used to give heroin to babies until  
8 science searched and said, "Oh, that's not good."

9           They had an investment. And until they  
15:59:41 10 could prove that there was irreparable harm people were  
11 still using --

12           (Court Reporter interrupts)

13           MS. MARAS: Could you clarify your  
14 question?

15:59:55 15           I'm not understanding.

16           THE COURT: The court reporter, she's  
17 trying to take down what you're saying, and she's having  
18 some difficulty getting it.

19           MS. MARAS: Oh, I'm sorry. Is my  
16:00:07 20 articulation bad? I really apologize.

21           Until it was realized that there was  
22 irreparable harm to health, physical or mental, many  
23 procedures have been in place.

24           And they see now in 2021 that there are  
16:00:23 25 studies that are indicating severe negative effects from

1 mask wearing. Breathing resistance, there are studies  
2 coming out every day showing these things.

3 Some of them are causing cardiopulmonary  
4 dysfunction, causing asthma. You know, without a mask  
16:00:43 5 how much breathing is there, with the mask how much.

6 They're doing all these studies now because  
7 there is an issue.

8 And we see that there are other safer  
9 methods that can be implemented. And there was no  
16:00:55 10 discussion with any of the parents. It was just simply  
11 arbitrary power and directive that was provided as a  
12 blanket -- as just a blanket statement.

13 And even in my filing that I sent, I  
14 pointed out to one portion where there was an affidavit  
16:01:11 15 by Dr. Barnes claiming the pediatrics are saying, well,  
16 it is not. Well, in that language, he's wrong there,  
17 too, because this is the problem, none of these masks are  
18 considered an N95 mask.

19 And my son himself, who has actually  
16:01:29 20 completed a degree in molecular and cellular biology and  
21 has been fitted for an N95, you have to go through a  
22 pulmonary function test in order to be fitted and wear  
23 that.

24 And right now we have children with cloth  
16:01:42 25 masks which have no efficacy. OSHA has stated it. The

1 CDC has stated it. And what I see is that there's  
2 narrative from the Board that are citing people that  
3 aren't even subject matter experts.

4 And I understand that industrial hygienists  
16:01:55 5 are a link because the IAHA, which is where industrial  
6 hygienists are certified, there's only about 10,000 of  
7 them in the whole United States, and if they actually  
8 read all the CDC things that they are referring to, they  
9 will note down in the page in a footnote it makes  
16:02:14 10 reference to surgical masks and N95 and respirators; not  
11 cloth masks.

12 And that is the problem, that we are  
13 putting children in harm's way because there are actual  
14 physical effects, and let's not even get into the fact of  
16:02:28 15 the psychological effects.

16 And I know that during the complaint where  
17 I will be able to bring experts, there are child  
18 psychiatrists that will tell you that this is causing  
19 irreparable harm to their development and how they fail  
16:02:43 20 because children, in many studies for years now, would  
21 have to look at the face to learn and to associate.

22 So this is completely unprecedented, and it  
23 feels as if they don't care. But I can say that I've  
24 noticed that there's a financial incentive to implement  
16:02:59 25 these, so they have a financial incentive.

1 And just yesterday a watchdog group had  
2 received e-mails through a FOIA request indicating that  
3 the American Federation of Teachers Union had a clearly  
4 workable policy because they were demanding that the CDC  
16:03:20 5 do something else because people were not getting  
6 vaccinated.

7 So the policies are written by people that  
8 are not subject matter experts.

9 THE COURT: Let me ask you, let me stop you  
16:03:27 10 now.

11 So the Fourteenth Amendment due process  
12 clause, that's one of your arguments.

13 MS. MARAS: Yes. Yes.

14 THE COURT: Do you have any other  
16:03:36 15 constitutional -- what are they?

16 MS. MARAS: The deprivation of life,  
17 liberty and property that I must have is important. It  
18 requires notice and a hearing and discussion.

19 And I'm not suing the school district for  
16:03:51 20 money. What I need is the best thing that I would like  
21 is the temporary restraining order and that then to sit  
22 down and have an evidentiary hearing where we can  
23 actually have a discussion because I'm not allowed to  
24 have a discussion.

16:04:04 25 THE COURT: Now, answer my question.



1                   You went back over the due process clause,  
2                   the liberty without due process.

3                   I asked you did you have any other  
4                   constitutional arguments? Those are -- that's the same  
16:04:21 5                   one.

6                   MS. MARAS: Yes.

7                   In *Mitchell versus Cuomo*, 1984, there was  
8                   an alleged deprivation of a constitutional right. Most  
9                   Courts hold that no further showing of irreparable injury  
16:04:33 10                  is necessary.

11                  THE COURT: What is the constitutional  
12                  right you're talking about?

13                  That's what I'm asking.

14                  MS. MARAS: The Fourteenth Amendment which  
16:04:41 15                  is the deprivation of liberty.

16                  THE COURT: And due process, right?

17                  MS. MARAS: Yes.

18                  THE COURT: Without --

19                  MS. MARAS: Yes. Yes. Yes.

16:04:47 20                  And I meet the requirement based on  
21                  *Mitchell versus Cuomo* because I only have to show that,  
22                  one, it violated and, therefore, most Courts hold that no  
23                  further showing of irreparable harm is necessary, in  
24                  *Mitchell versus Cuomo*, 1984.

16:05:02 25                  THE COURT: Your due process is the only

1 constitutional violation you're alleging, is that right?

2 MS. MARAS: Well, yes, for now. For now.

3 Life, liberty, due process, yes.

4 I mean *Robinson versus Attorney General*

16:05:18 5 also said denying a motion for stay of preliminary

6 injunction enjoining public health orders issued --

7 (Court Reporter interrupts).

8 THE COURT: The court reporter is having a

9 hard time.

16:05:51 10 MS. MARAS: Yes, I'm sorry, there's an

11 echo. I really apologize.

12 So *Robinson versus Attorney General*, 2020,

13 there was denying a motion for stay of preliminary

14 injunction enjoining public health order issued in

16:06:05 15 response to COVID-19 pandemic because it invaded

16 constitutionally protected Fourteenth Amendment rights.

17 THE COURT: Okay. What case is that?

18 MS. MARAS: *Robinson versus Attorney*

19 *General*, 957 F. 3d 1171, and 1177, Eleventh Circuit.

16:06:29 20 I have another one if you'd like from 1996.

21 THE COURT: No, don't give me another one

22 right now. Let's make sure I got that one.

23 MS. MARAS: Yes.

24 THE COURT: You gave the citation.

16:06:42 25 MS. MARAS: *Robinson versus Attorney*

1       *General*, 957 F. 3d 1171, that's Eleventh Circuit,  
2       Eleventh, sorry, 2020. Sorry.

3                   THE COURT: This is the case that has to do  
4       with masks?

16:07:04 5                   MS. MARAS: It has denying a motion of stay  
6       of preliminary injunction enjoining public health order  
7       issued in response to COVID-19 pandemic because it  
8       invaded constitutionally protected Fourteenth Amendment  
9       rights.

16:07:18 10                  I mean all the orders in that case were --

11                   THE COURT: Stop. Stop. Stop.

12                   What were the facts in that case?

13                   MS. MARAS: With the Attorney General?

14                   Hold on, let me go find out. Yeah, let me  
16:07:30 15       pull up my notes.

16                   THE COURT: That's what you were doing.

17                   MS. MARAS: Yes, Your Honor.

18                   I'm pulling it up.

19                   THE COURT: Is that a mask-wearing case?

16:07:45 20                   MS. MARAS: Yeah, so the Governor, yeah,  
21       the Governor of Alabama declared the state in a public  
22       health emergency due to outbreak and, yes, it was about  
23       masks.

24                   THE COURT: But the Governor of Alabama  
16:07:54 25       didn't require the masks, did they, back in 1920 -- I

1 mean in 2020?

2 MS. MARAS: In 2020. This is a 2020 for  
3 the COVID-19. He declared it, yes.

4 THE COURT: So he -- no, you make sure, you  
16:08:06 5 make sure you're correct.

6 You're saying that the Governor of  
7 Alabama -- now, this, this of course is Eleventh Circuit,  
8 okay -- so you said the Governor of Alabama required  
9 people to wear masks, and you're saying that the Circuit  
16:08:25 10 Court held that it was a violation of --

11 MS. MARAS: Well, I'm --

12 THE COURT: -- of citizens' constitutional  
13 rights to do that?

14 MS. MARAS: No, it wasn't just masks.

16:08:36 15 Your Honor, I didn't know we were citing  
16 the law because I'm not a lawyer and I've only had two or  
17 three hours to do this because I am a single parent and I  
18 actually work, too.

19 So I could tell you that there was a TRO  
16:08:48 20 that was filed and put together because of the  
21 restrictions that were imposed on people based on a  
22 mandate in May, so that clearly states that you can't  
23 deny a motion for stay by enjoining a public health  
24 order.

16:09:05 25 So that's basically how it is.

1 And masks, you know, were in that motion  
2 that was put forward in a case in 2021 versus the  
3 Secretary of the U.S. Department of Health. There  
4 actually a TRO was put forward for granting the TRO to  
16:09:30 5 them for mask and vaccine mandates already. So that was  
6 actually done, and this was done on just the 24th of  
7 August.

8 And so it was a motion was granted in  
9 *America's Frontline Doctors versus Xavier Becerra,*  
16:09:51 10 *Secretary of Department of Health and Human Services,* and  
11 they were given the TRO based on that.

12 THE COURT: Let me stop you, and then I'm  
13 going to -- two more minutes, and then I'm going to hear  
14 from the other lawyers, the lawyers --

16:10:03 15 MS. MARAS: Um-hmm.

16 THE COURT: -- on the other side.

17 Give me, if you have them, the citation of  
18 two cases --

19 MS. MARAS: Yes.

16:10:11 20 THE COURT: -- that are very similar to  
21 yours where the School Board imposed masking requirements  
22 and where the Court held -- granted a temporary  
23 restraining order against the enforcement of the wearing  
24 of the mask.

16:10:27 25 That's a very specific question.

1 MS. MARAS: Correct. Correct.

2 And that's very interesting you should ask  
3 that because I actually found that with the documents  
4 that you haven't seen yet.

16:10:37 5 In fact, in the State of Ohio, we actually  
6 have a school that since 2020 has not had masks and they  
7 actually implemented other protocols and it has been  
8 successful.

9 In fact, over a year not mask wearing --  
16:10:54 10 and this is a school with 700 students -- they've only  
11 had two cases of confirmed COVID and it was outside of  
12 the school.

13 So what I'm trying to point out here, Your  
14 Honor --

16:11:03 15 THE COURT: Let --

16 MS. MARAS: Yes.

17 THE COURT: Let me stop you.

18 MS. MARAS: Um-hmm.

19 THE COURT: You're not answering my  
16:11:08 20 questions, and I'm not sure that the facts that you're  
21 citing in the cases are correct.

22 So I'm asking --

23 MS. MARAS: They're not?

24 THE COURT: I'm asking you a very simple  
16:11:17 25 question.

1 MS. MARAS: Uh-huh.

2 THE COURT: And the answer could be yes or  
3 no in terms of whether there are cases very similar --

4 MS. MARAS: Yes.

16:11:30 5 THE COURT: -- to yours where Courts have  
6 granted temporary restraining orders against school  
7 systems or other entities like that based on, you know,  
8 the Fourteenth Amendment violation of rights.

9 MS. MARAS: Yeah. I just --

16:11:48 10 THE COURT: Asking you for precedence.

11 MS. MARAS: Yes.

12 THE COURT: Because that's the way we --

13 MS. MARAS: Yes. Yes.

14 And I do cite -- I just cited a TRO that  
16:11:55 15 was given as a restraining order to the Secretary of  
16 Health and it was issued on the 24th of August this year.

17 Also, a Judge in South Carolina Supreme  
18 Court struck down Columbia's public school mask mandate  
19 based on the same reasons.

16:12:12 20 So and I mean, in my filing I have a case  
21 as well that struck it down cited. It was in my exhibit  
22 where it has been struck down, too.

23 So there are multiple cases where they  
24 argue that your constitutional rights should succeed any  
16:12:31 25 arbitrary power that is being enforced.

1                   So it's happening all across the nation,  
2 all the parents are now filing to get these done, Your  
3 Honor.

4                   THE COURT: I haven't found those cases,  
16:12:40 5 but let me just tell you this. You said something about  
6 the Secretary of Health or someone granted a restraining  
7 order.

8                   That's not your case. That's not the kind  
9 of case that we have here so --

16:12:54 10                  MS. MARAS: It's about masks, Your Honor.

11                  The Wisconsin Supreme Court struck down the  
12 state-wide mask mandates.

13                  Kentucky, Boone County, struck down the  
14 government mask mandate for public schools.

16:13:08 15                  South Carolina Supreme Court struck down  
16 the public school mask mandates in Columbia.

17                  So yes, they have. There are many cases.  
18 A simple search will find that they have --

19                  THE COURT: Okay. I'm going to give you  
16:13:19 20 two, two minutes more to say anything you want to say  
21 about your case or in support of your case, give you  
22 about two, two more minutes, and then I'm going to turn  
23 to the other side and give them an opportunity to speak.

24                  And then we'll conclude.

16:13:36 25                  MS. MARAS: Excellent.



1 Well, Your Honor, reading -- reading their  
2 ambush of combined motions, I was a little bit frazzled  
3 that they tried to even take -- I was actually repulsed  
4 to see that they were telling me that I don't have  
16:13:52 5 standing, but I do have standing.

6 And I was actually contemplating on  
7 voluntarily withdrawing my TRO and requesting a  
8 scheduling hearing for a -- for an injunction based on  
9 that because I do have standing. And that has been  
16:14:09 10 proven only because there are cases that find that  
11 financial harm, and if it comes to me because of actions  
12 you've done against my child, the irreparable harm that  
13 is being caused once for violation of civil liberties, of  
14 any liberties, is irreparable harm according to the law  
16:14:26 15 of the land.

16 But if you want to nitpick and not -- and  
17 exclude all violations of both the federal and state  
18 Constitutions and even go down to that level and argue  
19 this, the irreparable harm is that they don't know what  
16:14:43 20 is happening.

21 Science is constantly in flux. Science is  
22 in flux, and if you don't have the subject matter experts  
23 to actually cite the science and implement the procedures  
24 that will keep kids healthy and happy, that is a concern.

16:14:58 25 Now, in Ohio, yes, 2012, the case of *Goss*,

1 we have *Goss versus Lopez*, the Supreme Court said that  
2 there should be due process, and that I and my child is  
3 entitled -- this is the only state where that law has  
4 happened -- is entitled to have an education without  
16:15:33 5 putting their property rights or liberty rights at risk.

6 And this is, you know, one they argue  
7 whichever, but this is -- this is the foundation of it  
8 because there's a Federal Constitution for my, you know,  
9 Fourteenth Amendment Section I, that no state shall make  
16:15:50 10 or enforce any law that shall abridge the privileges or  
11 immunities of citizens of the United States, nor shall  
12 any state deprive any person of life, liberty, or  
13 property, without due process law. And this has  
14 happened.

16:16:04 15 We can cite Ohio Constitution 16, redress  
16 of injury; due process; the Ohio Constitution of  
17 inalienable rights, the necessity of knowledge.

18 And just like I said, everything that this  
19 mask mandate does, it records data, and that is a direct  
16:16:18 20 violation. There is a word to the statement and to the  
21 definition when they're collecting health care data of  
22 children and they are compelling them to comply with the  
23 health care system that our Constitution says should  
24 never happen no matter what law, local rule, either  
16:16:33 25 federal or state, they can't do that.

1                   And right now I'm being asked to show the  
2 product because no one has attached it. I have offered  
3 expert testimony of a man that has over three hundred  
4 expert cases in court, and I presented that to the Board  
16:16:48 5 and they refused because they have taken the directive  
6 from non-subject matter experts and are imposing that and  
7 causing harm to my child and all the other children.

8                   And if they're not at the position to be  
9 sued for their action and pay the medical bills that will  
16:17:05 10 come out of this, then they should not be implementing  
11 anything because it is very careless, and our children  
12 should be protected.

13                   THE COURT: Thank you very much.

14                   Thank you very much.

16:17:14 15                   Let's go then to counsel for the  
16 defendants, Ms. Chmiel or Mr. Feher, whoever wishes to  
17 speak.

18                   And just you can respond to any of her  
19 arguments, or you can go directly to your own, own point.

16:17:36 20                   I do have your brief, I've read it, but if  
21 there are things you want to highlight, you may do so at  
22 this time.

23                   MR. FEHER: Thank you, Your Honor.

24                   Obviously this is a -- this is an issue  
16:17:47 25 that sparks a lot of emotion, both here and around the

1 country.

2 I think you can appreciate that this is a  
3 difficult issue for any School Board to deal with because  
4 there is such high emotion, because there are, as is the  
16:18:04 5 habit today, many people out on social media talking  
6 about what they say is the science and isn't the science.

7 I think what is fair to say is that the  
8 Board here took an action that was, first of all,  
9 authorized by Ohio statute. The discretion for local  
16:18:27 10 School Boards to make these decisions has been mandated  
11 by this legislature.

12 We know that the School Board here  
13 promulgated a specific rule about how to deal with  
14 upcoming or future pandemics or rises in infectious  
16:18:47 15 cases.

16 We know that that's what happened here.  
17 The materials we've provided you lay out in detail many  
18 of the sources, you know, learned, accepted sources --  
19 the CDC, the Ohio Department of Health, right down to the  
16:19:05 20 Cleveland Clinic -- and their recommendations that this  
21 mask mandate be used.

22 Mr. -- or Dr. Barnes' affidavit has laid  
23 out the rationale for it with the understanding that  
24 there would be some people who are not happy about the  
16:19:22 25 mandate. That, nonetheless, the considerations regarding

1 continuity of schooling, regarding the importance of  
2 avoiding forced out-of-school learning and the very  
3 negative effects that those have on students, those are  
4 all important considerations, and on balance they struck  
16:19:46 5 the decision that said they thought a mask mandate was  
6 appropriate to keep the continuity of education.

7 They are not alone in that. That is what  
8 the majority of districts in this area have done. They  
9 certainly didn't arrive at it willy-nilly.

16:20:07 10 They certainly considered arguments that  
11 were made by the parents, including the plaintiff here.  
12 And there is, as far as I've been able to see in any of  
13 the papers or in any of the literature, not any serious  
14 suggestion that either the plaintiff's daughter or  
16:20:25 15 anybody else is at a serious medical risk for having worn  
16 a mask to school.

17 Certainly those students that have  
18 documented risks or whose doctors say they shouldn't wear  
19 a mask are entitled not to wear a mask. The policy has  
16:20:44 20 specific exceptions for them. It is tailored to  
21 accommodate any medical issues and any psychological  
22 issues.

23 So it is not any broader than it needs to  
24 be. It is well-reasoned.

16:20:59 25 As to the constitutional issues, we just

1 don't -- we've been unable to locate any authority to  
2 suggest that being required to wear a mask is in any way  
3 a deprivation of liberty or any other constitutional  
4 right.

16:21:17 5 And absent an allegation that the policy  
6 impinges on a constitutional right, there's obviously no  
7 basis for a 1983 claim, and there's certainly no basis  
8 for an assertion here that anybody faces irreparable harm  
9 by maintaining the status quo of wearing these masks.

16:21:37 10 The case law, I haven't had a chance to  
11 review any of the case law that the plaintiffs have cited  
12 here, although I have had a chance to look quickly at the  
13 *Robinson* case that she cited.

14 That is a case that had to do with the  
16:22:00 15 effect of shutting down elective medical procedures,  
16 people seeking abortions, which is, as we know, an  
17 established constitutional right, at least at this time.  
18 So that case really has very different facts than the  
19 case here.

16:22:14 20 And I'm, you know, whether it's *Marbury* or  
21 any of the other cases we've discussed, we're not aware  
22 of any authority that suggests that there's any  
23 constitutional impairment associated with what has gone  
24 on with this mask policy.

16:22:30 25 So we would, again, refer to the arguments

1 in our brief.

2 And I would also highlight the fact that  
3 the standing issue is significant to the defendants here  
4 because the flip side of it is that if they prevail on  
16:22:50 5 the merits of this case, that decision will have no  
6 binding effect because --

7 MS. MARAS: I object. I object.

8 That's one of your motions to dismiss.

9 I object, Your Honor.

16:23:03 10 THE COURT: Please let him complete what  
11 he's doing.

12 I don't think he interrupted you at all.  
13 And when we get done, if there's something else you want  
14 to say in conclusion, I'll let you do it, but our  
16:23:17 15 practice and protocol is not to interrupt.

16 And so he hasn't interrupted you and he has  
17 disagreed with a lot of things that you've said, so let's  
18 let him finish.

19 MR. FEHER: Thank you, Your Honor.

16:23:29 20 So the issue is significant to us. And  
21 obviously standing must appear from the face of the  
22 complaint, and it's relevant to the motion for temporary  
23 restraining order because obviously if you don't have  
24 standing on the face of the complaint, you don't -- you  
16:23:51 25 cannot demonstrate a substantial likelihood of success on

1 the merits.

2 THE COURT: Let me -- let me ask you a  
3 question about that.

4 I have had cases in the past where  
16:24:06 5 plaintiffs thought to not only reference themselves but  
6 others who are related or who are part, who are involved  
7 in the same set of circumstances, and we've always said  
8 exactly as you're saying, that they cannot do that, they  
9 cannot -- a pro se litigant cannot represent other  
16:24:29 10 parties.

11 I understand that.

12 I haven't researched the law on this. So  
13 that would mean that she clearly could not represent her  
14 daughter, "daughter."

16:24:50 15 Is there a difference? She's got two  
16 plaintiffs now. One is the minor, a minor through her  
17 parent Terpsehore Maras, and that's her, and then she has  
18 another one, herself.

19 Would she be deemed if she was suing for  
16:25:10 20 herself, but because the child is a minor would she have  
21 rights there, or is the law established that she cannot  
22 sue in her own name, through or on behalf of her -- on  
23 behalf of her child?

24 MR. FEHER: Your Honor.

16:25:31 25 THE COURT: In other words -- go ahead.



1 MR. FEHER: If I -- if I understand the  
2 question correctly, the law is that, for several reasons,  
3 a plaintiff, an adult parent who might be entitled to  
4 proceed pro se on their own claim, may not proceed on  
16:25:51 5 behalf --

6 MS. MARAS: Your Honor, I object to  
7 discussing -- I object to arguing the motion to dismiss  
8 and I'd like a standing objection. I'd like a standing  
9 objection.

16:26:01 10 THE COURT: Okay. Overruled.

11 And, yeah, I'll give you a chance  
12 to -- your objection is already on the record so that's  
13 fine. I'll take note of that.

14 But I'll overrule your objection. I can  
16:26:12 15 hear this, and I want him to tell me what he -- what he's  
16 talking about.

17 And I want you to understand why, because I  
18 can -- I could deny -- I mean, I could grant your motion  
19 to dismiss, but I don't have to grant a motion to dismiss  
16:26:31 20 on a preliminary injunction.

21 All I have to do is to say you're not  
22 likely to succeed on the merits because you would not  
23 later be able to pursue these claims on behalf of  
24 your -- on behalf of your child.

16:26:47 25 And that would be part of the motion -- I'm

1       sorry -- that would be part of the motion for preliminary  
2       injunction. But whether I dismiss the case or not, I  
3       certainly can consider whether your case is likely to be  
4       dismissed when we get on the merits of it.

16:27:03 5               So I want to hear his argument on that.

6               MR. FEHER: Thank you, Your Honor.

7               I'm trying to remember where I was.

8               Whether -- an adult may proceed on their  
9       own claim for their own claim for damages individually  
16:27:22 10       without counsel. That's at a choice, a choice an adult  
11       can make, but because a child cannot make that decision  
12       legally, that the parent may not proceed on their behalf.

13               And, therefore, the case law in the Sixth  
14       Circuit and, frankly, around the country has always held,  
16:27:45 15       including in the context of 1983 cases, that  
16       plaintiffs -- plaintiff parents may not represent the  
17       interests of their children pro se.

18               And in this case, the face of the complaint  
19       I think makes clear that the claim is brought on behalf  
16:28:06 20       of the daughter; not on behalf of Ms. Maras.

21               And to the extent that it might be argued  
22       to be on behalf of Ms. Maras, the law is also clear that  
23       a parent does not have a viable claim under 1983 for  
24       alleged actions that impact a family member.

16:28:27 25               So either way --

1 MS. MARAS: Your Honor, may I --

2 THE COURT: Will you please let him finish?

3 Did he interrupt you once?

4 MS. MARAS: But the issue is a lawyer --

16:28:39 5 that I should be a lawyer to be successful? I can cite a

6 case from the Sixth District that says there are

7 exceptions to these rules.

8 THE COURT: Would you please hush? I hate

9 to use those words. You know, I don't usually tell

16:28:53 10 parties --

11 MS. MARAS: I just feel like I'm being

12 disadvantaged because the lawyer is getting time to cite

13 cases for you whereas I'm the plaintiff and you're

14 telling, you know -- it's okay. I apologize, Your Honor.

16:29:05 15 Please go ahead.

16 THE COURT: You should, because I gave you

17 a chance and I asked you about cases and I gave you an

18 opportunity at the end to say anything you wanted to say.

19 So don't -- don't make --

16:29:19 20 MS. MARAS: I object to that because the

21 motion to dismiss and standing shouldn't be discussed

22 right now.

23 THE COURT: Just don't -- just don't

24 interrupt again. That's all I'm telling you.

16:29:31 25 Don't interrupt again. Don't interrupt

1 again.

2 When I want you to speak, I will let you  
3 know when. And I will give you a brief opportunity at  
4 the end, but do not interrupt once more, not once.

16:29:45 5 Mr. Feher, go ahead and complete your  
6 argument. I don't want to hear another thing out of  
7 Ms. Maras while you're talking.

8 MR. FEHER: Thank you, Your Honor.

9 I think, as I said, the case law we've  
16:29:57 10 cited in our brief we think is very definitive on the  
11 issue.

12 It does go to directly the likelihood of  
13 success element of the request for a TRO, and we think  
14 that it is dispositive as well as the other matters that  
16:30:13 15 we've pointed out in the brief as to the deficiency of  
16 any claim, either under the Constitution or meeting the  
17 elements of Rule 65.

18 THE COURT: All right. Thank you. Thank  
19 you, counsel.

16:30:27 20 Ms. Maras, I'll give you one minute.

21 MS. MARAS: First of all, again, I'd like  
22 to state my objection to discussing the motion to dismiss  
23 without giving me the time allotted to me by the Court to  
24 even study that on the merits.

16:30:45 25 Whether issuance of an injunction would

1 cause substantial harm to others is the question and  
2 whether public interests would be served.

3 Now, as far as my standing, I'm the mother  
4 of the minor and I'm also -- she's -- I'm on her behalf  
16:31:00 5 as a plaintiff. And while they argue I don't have a  
6 right and the school district argues that I have no  
7 standing, respectfully I believe I fit within an  
8 extension to the rule cited.

9 In *Works versus Commissioner of Social*  
16:31:27 10 *Security*, 886 F. Supp. 2d 690, Southern District of Ohio,  
11 2012, the Court recognized an exception to the general  
12 rule of a pro se plaintiff cannot represent a minor.

13 In this case, the Court concluded that the  
14 same policy considerations which allow a parent to file a  
16:31:48 15 pro se Social Security appeal on behalf of the minor  
16 apply also in this case. Ms. Works has presumably borne  
17 the costs of his medical treatments documented in the  
18 record, and that would also apply to me.

19 I have a personal stake in the action  
16:32:06 20 because I am a single parent and assume all medical costs  
21 related to injuries sustained by daughter.

22 I'm also in the process of obtaining legal  
23 counsel who is attempting to file pro hac vice so that I  
24 may have representation during my complaint.

16:32:23 25 So I do have standing because that case

1 found that I fit that exemption.

2 THE COURT: Okay. Give me the case.

3 What is the case again?

4 MS. MARAS: Yes. *Works versus Commissioner*  
16:32:36 5 *of Social Security*, Southern District of Ohio, 2012.

6 THE COURT: What is the cite?

7 MS. MARAS: It says -- yes, the citation is  
8 886 F. Supp. 2d 690, and it says, "In this case the Court  
9 concludes that the same policy considerations which allow  
16:32:54 10 a parent to file a pro se Social Security appeal on  
11 behalf of a minor child apply in this case."

12 And this is relating to health, and because  
13 her costs that would be rendered from the harm that she's  
14 being caused by these statements that they're saying of  
16:33:13 15 citations, status quo is not the law. And nothing, no  
16 pandemic, nothing suspends the rights of our  
17 constitutional liberties. It's unconstitutional. It  
18 doesn't matter what authority they claim.

19 They took an oath and that's a direct  
16:33:29 20 violation of the U.S. Constitution and the Ohio State.  
21 You can't cancel on civil liberties because of the  
22 pandemic.

23 And then making a statement as, oh, there's  
24 social media, nobody cares about social media, we're  
16:33:41 25 talking science. I cited actual science, testing,

1 studies, experts. And, you know, the superintendent is  
2 not a medical professional and he's not a scientist. I  
3 leave that to scientists.

4 THE COURT: You've got to conclude now, you  
16:33:57 5 may conclude.

6 Just conclude now. I'll give you just a  
7 very brief chance to just conclude your argument.

8 MS. MARAS: The lawyer made compelling  
9 arguments that the facts may be different to the case of  
16:34:06 10 Alabama which is the one that they only pulled out  
11 because the others were not mask mandates, but the law  
12 remains the same.

13 The legal principles would apply. You can  
14 distinguish every case on the facts, but the law is the  
16:34:20 15 law. That's the case.

16 And the fact that we have, you know, this  
17 motion to dismiss put together and I have a massive law  
18 firm against me, and they're telling me that I can't  
19 represent my child when it has been well-established that  
16:34:31 20 when it comes to health and the costs that I must bear I  
21 have every right to represent her because I cannot afford  
22 to pay ten, \$15,000 for an attorney.

23 I'm a single parent, and I'm trying to  
24 protect my child and not cause myself financial harm  
16:34:46 25 because of --

1 THE COURT: All right.

2 MS. MARAS: -- these mandates that are  
3 blanket statements that don't rely on actual science.

4 THE COURT: All right. Ms. Maras, so that  
16:34:55 5 that concludes the argument that I want to hear from the  
6 parties.

7 Let me say -- say this. Mr. Feher is right  
8 and these are emotional issues, and I think for society  
9 these are difficult issues.

16:35:19 10 I know that.

11 And so all a Judge can do is hear the  
12 parties, gather the facts, and apply the law as the Judge  
13 understands the law to be.

14 It is, you know, that's what I have to do,  
16:35:42 15 put myself in that context. I can't let emotion, one  
16 side or the other, one way or the other, I can't let  
17 either side, emotion on either side, dictate how I will  
18 decide cases.

19 I've never done that in 27 years I've been  
16:36:01 20 on the Court, and I'm not going to do it now, but I am  
21 bound by the law as I understand it.

22 And so what I'm going to do, having  
23 received this information from the plaintiff, having  
24 provided an opportunity for defendants to put on their  
16:36:19 25 position, is decide this motion as to whether I will



1 grant the extraordinary relief of restraining the Board  
2 of Education, Mayfield City School District Board of  
3 Education from enforcing their mask requirement or  
4 mandate, or whether I will deny that motion, in which  
16:36:46 5 case they can continue to enforce it until -- until the  
6 case is resolved or until a preliminary injunction would  
7 be issued in the plaintiff's favor, if there were to be  
8 such an order.

9 Ms. Maras, the -- if a TRO is denied, then  
16:37:14 10 the Court is required to set the case for another  
11 preliminary proceeding, and that's a preliminary  
12 injunction proceeding.

13 At that point, the parties will have done  
14 perhaps some discovery, gather more information, and then  
16:37:37 15 the hearing would likely be held in person with witnesses  
16 being called, although the pandemic could affect that.

17 But that's, that would be the second stage  
18 in terms of an injunction if the TRO is denied.

19 If the preliminary injunction is  
16:37:57 20 denied -- of course, if it was granted, then it would  
21 preclude them from acting until the case is over.

22 If that's denied, the preliminary  
23 injunction, assuming your case survived and didn't go out  
24 on a motion to dismiss, then you would ask for the  
16:38:11 25 injunctive relief still, but at the end of your case as

1 relief in your case.

2 That's the third stage.

3 And so that, that would be the process.

4 Now, the defendants are allowed to file a  
16:38:26 5 motion to dismiss. This is an early stage, and I would  
6 give you an opportunity to respond to a motion to  
7 dismiss.

8 Now, let me say this: That the Court, of  
9 course, on its own motion can dismiss a case for lack of  
16:38:46 10 subject matter jurisdiction, but this, this may not  
11 pertain to subject matter jurisdiction, but whatever, I  
12 would not dismiss it until you had a chance to file an  
13 opposition to the motion to dismiss.

14 But I tried to explain to you that I still  
16:39:08 15 can consider whether or not you will be precluded based  
16 on standing because while even if I didn't dismiss your  
17 case, it's something I can consider in regard to one of  
18 the elements I have to determine in respect to the motion  
19 for temporary restraining order.

16:39:26 20 One of the things I have to determine is  
21 whether you're likely to succeed on the merits of the  
22 case. If you're not a proper party, then of course  
23 you're not going to succeed on the merits of your case.  
24 And so I can take a peek at that issue without deciding  
16:39:49 25 it finally, even if, even if I decided, you know, to

1 allow you to file something later on the motion to  
2 dismiss.

3 Now, that may be difficult to understand,  
4 and I understand why. It is difficult for laypersons to  
16:40:10 5 file a lawsuit, to do research, and to pursue cases in  
6 the Court. You've already articulated this. There are  
7 lawyers on the other side who are trained in the law and  
8 how to present evidence and how to make arguments, and  
9 you don't have that training.

16:40:27 10 And so it's a much better case for a Judge  
11 to have lawyers on both sides who can sharpen the issues  
12 and can respond to my questions so that I'm in a position  
13 to resolve a case.

14 But you do have a right on your own part to  
16:40:46 15 bring a case. I've got to decide whether you have a  
16 right to bring it in this particular instance, but if you  
17 have that right, then you can represent yourself. You're  
18 not allowed to represent anyone else, as a general  
19 matter.

16:40:59 20 So I'm going to have to decide all these  
21 things, but I'm not going to -- initially all I'm going  
22 to do is decide whether you should get a TRO because  
23 that's really what's in front of me right now.

24 And I have to go through the factors.  
16:41:15 25 We've talked about some of them: Whether you are likely

1 to succeed on the merits; whether your child would  
2 suffer -- or you would suffer irreparable harm; whether  
3 it's in the public interests to grant one; and so on and  
4 so forth, those factors that you've seen, that counsel  
16:41:35 5 have addressed.

6 And that's what I've got to do. And then  
7 when I do that, it's not going to be a long order. When  
8 I do that, then I'll grant or deny the TRO.

9 So that's -- that's where we're going, is  
16:41:51 10 that next step.

11 All right. That's all I have, Ms. Maras.

12 Anything else before I ask opposing counsel  
13 whether they have anything else? And then we'll conclude  
14 right now.

16:42:00 15 MS. MARAS: Yes, Your Honor.

16 I will be e-mailing you the information  
17 that demonstrates that I do have standing.

18 Also, you know, I find it troublesome  
19 that -- you know, the Court is for the people, not for  
16:42:14 20 lawyers. And I find it troublesome that, you know, it's  
21 being seen as if the people are not allowed in people's  
22 Court without a lawyer.

23 I have done extensive work protecting not  
24 only my child's interests but my own, and I would like,  
16:42:30 25 if possible, when you actually see my documents to

1 provide me access for the electronic filing as well.

2 THE COURT: Okay.

3 MS. MARAS: Above all, the Constitution  
4 prevails and that is what's important. Any violation of  
16:42:44 5 the Constitution causes irreparable harm regardless.

6 THE COURT: All right. That's all.

7 So we'll deal with, you know, whether you  
8 should have filing status later. I told you this was a  
9 situation where I could receive papers and informally  
16:43:02 10 because of the nature of the circumstances. You provided  
11 papers to me, and the ones we have we'll consider.

12 But you can't -- you can't just keep  
13 mailing papers that you want me to consider for a motion  
14 for temporary restraining order because the whole notion  
16:43:20 15 is it should be quick, and the parties have put it in  
16 front of me.

17 You can't just keep filing parties.

18 MS. MARAS: I --

19 THE COURT: So --

16:43:31 20 MS. MARAS: I agree.

21 I'm referring to the motion to dismiss and  
22 the standing because I wasn't aware that we were going to  
23 be hearing that case that has been put together.

24 I had requested the Court to bifurcate the  
16:43:40 25 two, but since you're considering it and taking a peek, I

1 would like to at least defend myself since I haven't had  
2 the appropriate time by the Court to answer that.

3 THE COURT: You did. You gave me a case  
4 that you told me you thought countered what they were  
16:43:55 5 saying, so you obviously did the research and you gave me  
6 a case, so I'll look at your case.

7 Mr. Feher, anything further before we  
8 conclude?

9 MR. FEHER: No, Your Honor.

16:44:03 10 THE COURT: All right.

11 Okay. Thank you, all. Appreciate your  
12 time.

13 MR. FEHER: Thank you, Your Honor.

14 Have a good day.

16:44:10 15 MS. MARAS: Thank you, Your Honor.

16 MS. CHMIEL: Thank you, Your Honor.

17 (Proceedings concluded at 4:44 p.m.)

18 - - - -

C E R T I F I C A T E

19 I certify that the foregoing is a correct  
20 transcript from the record of proceedings in the  
21 above-entitled matter.

22 **/s/Susan Trischan**

23 /S/ Susan Trischan, Official Court Reporter  
Certified Realtime Reporter

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